

Article 4 | Zoning Districts

Sec. 4.1 General

4.1.1 Establishment of Districts

The following zoning districts are hereby established, and are intended to implement the Comprehensive Plan. Each district is only appropriate in development Tiers where it effectively implements the plan, as set forth below.

		Development Tier					Former Districts
Symbol	District	Rural	Suburban	Urban	Compact	Downtown	
Residential Districts							
RR	Residential Rural	✓	✓				RD
RS-20	Residential Suburban – 20	✓(1)	✓				R-20
RS-10	Residential Suburban – 10		✓				R-10, R-15
RS-8	Residential Suburban – 8		✓				R-8
RS-M	Residential Suburban Multifamily		✓				RM-8, RM-12, RM-16
RU-5	Residential Urban – 5			✓			R-5
RU-3	Residential Urban – 5			✓			R-3
RU-M	Residential Urban Multifamily			✓			RM-16, RM-20
RC	Residential Compact		✓(2)		✓	✓	ITOD-CN, RM-CN
Nonresidential Districts							
CN	Commercial Neighborhood	✓	✓	✓	✓		NC
OI	Office and Institutional	✓	✓	✓	✓	✓	O&I-1, O&I-2
CG	Commercial General	✓	✓	✓	✓	✓	GC
CBD	Central Business District					✓	CBD
SRP	Science Research Park		✓				RSCH, RAD
IL	Industrial Light		✓	✓	✓	✓	I-2, CT
I	Industrial	✓	✓	✓			I-3
Planned Districts							
PDR	Planned Development Residential		✓	✓			PDR
UC	University and College		✓	✓	✓		UC
CC	Commercial Center		✓	✓			SC
IP	Industrial Park		✓	✓			I-1
MU	Mixed Use		✓	✓	✓	✓	MU
Overlays							
-P	Neighborhood Protection Overlay	✓	✓	✓			– NEW –
-TO	Transitional Office Overlay		✓	✓			O&I-1
-A60	Airport Overlay	✓	✓				60 to 65 LDN
-A65							Above 65 LDN
-DDO	Downtown Design Overlay					✓	Downtown Design Overlay
-MTC	Major Transportation Corridor Overlay		✓				MTC, I-540
-H	Historic Districts & Landmarks Overlay	✓	✓	✓	✓	✓	Historic District Overlay

Symbol	District	Development Tier					Former Districts
		Rural	Suburban	Urban	Compact	Downtown	
M/LR-A, -B	Watershed Protection Overlays						M/LR-A, -B
F/J-A, -B	Lake Michie/Little River District	✓	✓	✓			F/J-A, -B
E-A, -B	Falls/Jordan District	✓	✓	✓			E-A, -B
	Eno River District	✓	✓	✓			

(1) Within designated Rural Villages only (2) Within designated Suburban Transit Support Areas only

4.1.2 Development Tier Map

A. The Development Tier Map is intended to ensure that development reflects the character of the area within which it occurs and to minimize the cost of extending infrastructure into areas inappropriately. The tiers shown on the map shall function as overlays, establishing guidelines within which different development patterns, intensities, and densities shall be utilized. The development tiers shall include the following:

1. The Downtown Tier – That area covered by the Downtown Master Plan within which development is intended to be transit- and pedestrian-oriented in order to enhance the street level experience and provide a mixture of goods and services near transit. Auto-oriented and low intensity uses are discouraged.
2. The Compact Tier – That area within ½ mile of the identified sites of transit stations that is covered by Station Areas Plans, within which development is intended to be transit-, bicycle- and pedestrian-oriented to enhance the street level experience and provide a mixture of goods and services near transit stations. Auto-oriented and low intensity uses shall be discouraged.
3. The Urban Tier – That area surrounding the historic downtown of the City within which development was concentrated prior to the 1960s. Within this area, development should maintain an urban form with small lots sizes and differing uses in proximity to one another.
4. The Suburban Tier – That area within the Urban Growth Area not included within the Downtown, Compact, or Urban Tiers within which urban services are expected to be provided with development at traditional suburban densities and patterns. This area is anticipated to absorb the majority of Durham's population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
5. The Rural Tier – That area of Durham that lies outside the Urban Growth Area and largely within watershed critical areas within which development should maintain a rural focus to encourage preservation of agriculture and protect important water resources. Development within this area should require large lots to minimize demands on infrastructure, with limited commercial areas.

B. The location and boundaries of the development tiers described throughout this Ordinance shall be as shown on the geographic coverage layer entitled "Tiers" that is maintained as part of the City's and County's geographic information systems (GIS) under the direction of the Planning Director, or designee. This depiction of tier boundaries shall constitute the Development Tier Map for the City's and County's

jurisdiction and is adopted into this Ordinance by reference. The City or County Clerk, as appropriate, may, upon validation by the Planning Director, or designee, certify a paper copy of the Development Tier Map, or portions of the map, as a true and accurate copy of the Development Tier Map, or a portion thereof.

C. The Planning Director, or designee, shall authorize certain designated persons to revise the Development Tier Map when amendments are passed by the governing body in accordance with Sec. 3.5, Zoning Map Change. Such revisions shall be made as soon as possible after the effective date of the amendment but in no event later than five days after the effective date.

D. No unauthorized person may alter or modify the Development Tier Map. Errors in the map shall be corrected as soon as they are discovered, and the corrected information shown on the GIS.

E. The Planning Director, or designee, may authorize printed copies of the Development Tier Map to be produced and shall maintain digital or printed copies of superseded copies of the map for historical reference.

4.1.3 Official Zoning Map

A. The location and boundaries of zoning districts shall be as shown on a geographic coverage layer entitled "Zoning" that is maintained as part of the City's and County's geographic information system (GIS) under the direction of the Planning Director, or designee. This depiction of zoning boundaries as shown on the GIS system shall constitute the Official Zoning Map for the City's and the County's zoning jurisdiction, and is adopted into this ~~zoning~~ Ordinance by reference. The City or County Clerk, as applicable, may upon validation by the Planning Director, or designee, ~~designee(s)~~, certify a paper copy of the Official Zoning Map, or portions of the map, as a true and accurate copy of the Official Zoning Map, or a portion thereof, under the authority of GS 160A-79(b) and GS 153A-49.

B. The Planning Director, or designee, shall authorize certain designated persons to revise the Official Zoning Map when amendments are passed by the governing body in accordance with Sec. 3.5, Zoning Map Change ~~Rezoning~~. Such revisions shall be made as soon as possible after the effective date of the amendment but in no event later than five working days after such effective date.

C. No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shown on the GIS system.

D. The Planning Director, or designee, may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

~~Within the City's jurisdiction, the updated zoning map shown on the geographic information system shall be considered the official map book in accordance with GS 160A-79(b).~~

4.1.4 Rules for Interpretation of District Boundaries

The Planning Director, or designee, may authorize periodic changes to the boundaries of the Official Zoning Map in conformance with this section, ~~these rules~~. Interpretations of zone boundaries may be appealed to the Board of Adjustment.

1 **A. Boundaries That Follow Lot Lines**

- 2 **1.** A boundary shown on the Official Zoning Map as following a lot line or parcel
3 boundary shall be construed as following the lot line or parcel boundary as it
4 actually existed at the time the zoning boundary was established, as shown on
5 maps submitted or used when the boundary was established.
- 6 **2.** If, subsequent to the establishment of the zoning boundary, a minor property
7 line adjustment is made, such as from settlement of a boundary dispute, the
8 zoning boundary shall be construed to move with the lot line or parcel boundary
9 if the adjustment is less than 10 feet.

10 **B. Boundaries That Do Not Follow Lot Lines**

- 11 **1.** Where the ordinance establishing a zoning boundary identifies the boundary as
12 following a particular natural feature such as a ridgeline, contour line, a river,
13 stream, lake or other water course, or reflects a clear intent that the boundary
14 follow the feature, the boundary shall be construed as following that feature as
15 it actually exists. ~~A boundary shown on the zoning map as approximately~~
16 ~~following a river, stream, lake or other watercourse shall be construed as~~
17 ~~following the actual centerline of the watercourse.~~ If, subsequent to the
18 establishment of the boundary, ~~the centerline of the watercourse~~ such natural
19 feature should move as a result of natural processes (slippage, subsidence,
20 erosion, flooding, sedimentation, etc.), the boundary shall be construed as
21 moving with the natural feature, centerline of the watercourse.

22 ~~A boundary shown on the zoning map as approximately following a ridgeline or topographic~~
23 ~~contour line shall be construed as following the actual ridgeline or contour line. If, subsequent to~~
24 ~~the establishment of the boundary, the ridge line or contour line should move as a result of~~
25 ~~natural processes (erosion, slippage, subsidence, etc.), the boundary shall be construed as~~
26 ~~moving with the ridge line or contour line.~~

- 27 **2.** A boundary shown on the Official Zoning Map as approximately following a
28 street or railroad line shall be construed as following the centerline of the street
29 or railroad right-of-way. If, subsequent to the establishment of the boundary,
30 the centerline of the street or railroad right-of-way should be moved as a result
31 of its widening or a minor realignment (such as at an intersection), the
32 boundary shall be construed with moving with the centerline only if the
33 centerline is moved no more than 25 feet.
- 34 **3.** A boundary shown on the Official Zoning Map as approximately parallel to, or
35 as an apparent extension of, a feature described above shall be construed as
36 being actually parallel to, or an extension of, the feature.
- 37 **4.** If a zoning boundary splits an existing lot or parcel, the metes and bounds
38 description, if one was submitted at the time the zoning boundary was
39 established, shall be used to establish the boundary. ~~If maps and metes and~~
40 ~~bounds descriptions used when a zone boundary was established did not~~
41 ~~accurately reflect the lot lines or parcel boundaries existing at that time, but it~~
42 ~~appears that the intent at the time of the zone change was for the zone boundary~~
43 ~~to conform to existing lot lines or parcel boundaries, the zone boundary shall be~~
44 ~~construed to conform to the lot lines or parcel boundaries that existed at the~~
45 ~~time the zone boundary was established.~~

46 ~~A boundary shown on the zoning map as approximately following the zoning jurisdiction~~
47 ~~boundary of an adjacent municipality shall be construed as following that boundary as described~~

~~in the ordinance or resolution establishing or extending the municipality's zoning jurisdiction
(e.g., an annexation ordinance adopted by the municipality or a resolution adopted by the
County Board of Commissioners granting the municipality extraterritorial jurisdiction).~~

5. If the specific location of the boundary cannot be determined from application of the above rules to the Official Zoning Map, it shall be determined by scaling the mapped boundary's distance from other features shown on the map.

Sec. 4.2 Residential District Intent Statements

4.2.1 Residential Rural District (RR)

The RR District is established to provide for agricultural activities and residential development on lots of two acres or greater and in conservation subdivisions, as well as a transition zone to provide for the orderly transition of land from rural to urban uses. All commercial and industrial development is generally prohibited, except for certain recreational activities considered appropriate in rural areas. ~~The RR District is generally located outside the Urban Growth Area.~~

This district is used to implement the Comprehensive Plan within those areas shown as the Rural Tier. Lands within other Tiers that have existing RR zoning are acknowledged; however, such lands may be rezoned to more intensive zoning districts consistent with the Comprehensive Plan. The regulations of this district are designed to discourage the premature development of urban services and to encourage the maintenance of an open and rural character.

Development guidelines for this district may be found in 6.2, Residential Rural Development Intensity.

4.2.2 Residential Suburban Districts (RS-20, RS-10, RS-8, RS-M)

~~The RS Districts are established to provide sites for low density residential purposes and to allow for other uses that are compatible with low density residential development.~~ for orderly suburban residential development and redevelopment. A limited number of nonresidential uses are allowed, subject to the restrictions necessary to preserve the character of the suburban neighborhood. Multifamily development is permitted in areas designated RS-M. These areas should have convenient access to arterial streets and nearby civic, commercial or employment uses.

The RS Districts are used to implement the Comprehensive Plan within those areas shown as the Suburban Tier and within Rural Villages (as designated in the Comprehensive Plan) within the Rural Tier.

Development guidelines for this district may be found in Sec. 6.3, Suburban Residential Development Intensity.

4.2.3 Residential Urban District (RU, RU-M)

The RU District is established to provide for orderly urban residential development and redevelopment. A limited number of nonresidential uses are allowed, subject to the restrictions necessary to preserve the character of the urban neighborhood. Such areas should have convenient access to arterial streets and nearby civic, commercial or employment uses.

The RU District is used to implement the Comprehensive Plan within those areas shown as the Urban Tier.

Development guidelines for this district may be found in 6.4, Residential Urban Development Intensity.

4.2.4 Residential Compact District (RC)

The RC District is established to promote well-integrated new residential and civic ~~commercial and other employment~~ development close to designated and future regional transit stations. ~~while protecting and enhancing existing development.~~ The district is intended to ensure that new development takes advantage of compatible, higher density, transit-friendly design opportunities in close proximity to transit systems. ~~in order to provide options for economic development and diversity. It is also intended to encourage~~ New development in this district requires both pedestrian orientation and human scale in architecture at the street level. ~~new development.~~

The RC District is used to implement the Comprehensive Plan within those areas shown as the Compact Neighborhood Tier.

Development guidelines for this district may be found in 6.5, Residential Compact Development Intensity.

Sec. 4.3 Nonresidential District Intent Statements

Development guidelines for all nonresidential districts may be found in Sec. 6.10 Nonresidential District Development Intensity.

4.3.1 Commercial Neighborhood (CN)

The CN District is established to provide for modest-scale commercial centers (as defined in Article 6) in close proximity to residential areas and to that offer limited scale commercial uses to satisfy the needs of the surrounding neighborhood. Compatibility is facilitated through design standards and buffering that provide for walkable, pedestrian-oriented development that complements nearby residential neighborhoods. The district is not intended for use by major or large-scale commercial, sales, service or automotive-oriented activities. The CN District is only appropriate in locations that have direct access to residential neighborhoods.
The CN District is used to implement the Comprehensive Plan within those areas shown as the Rural, Suburban, Urban or Compact Neighborhood Tiers.

4.3.2 Office and Institutional (OI)

The OI District is established for employment and community service activities. Some support facilities and residential uses are also allowed when compatible with surrounding uses. The OI district is designed for use on sites that have convenient access to arterials, near major or minor thoroughfares since development of moderate to high intensity is allowed.
The OI District is used to implement the Comprehensive Plan within those areas shown as part of the Rural, Suburban, Urban, Compact or Downtown Tiers.

4.3.3 Commercial General (CG)

The CG District is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares. It is the intent of this district to provide sufficient size and depth of property to meet business needs, yet maintain safe traffic flows. Businesses in this district should be sited convenient to automotive traffic. Residential uses are not appropriate in the CG District except in a mixed use setting. Development in the CG district should provide safe pedestrian access for adjacent residential areas.
The CG District is used to implement the Comprehensive Plan within those areas shown as part of the Rural, Suburban, Urban, Compact, or Downtown Tiers.

4.3.4 Central Business District (CBD)

The CBD District is established ~~to provide for economic vitality and orderly growth of the City of Durham. It is the intent of this district to encourage intense development and pedestrian activity through a mixture of uses appropriate to the downtown area.~~
The standards of this district are established to provide for a vital downtown economy that maintains Durham's focus as a commercial, cultural and entertainment hub of the region while increasing livability.
~~This district is intended to work in tandem with the Historic Overlay District found in portions of downtown Durham.~~
The CBD District is used to implement the Comprehensive Plan only within the area shown as the Downtown Tier.

4.3.5 Science Research Park (SRP)

The SRP District is established to provide an area for business and scientific research and development, for training, and for production of prototype products, plans or designs in a low-density, open, campus-like setting. The purpose of such production is limited to research, development or evaluation of the merits of those products, plans or designs. The district is intended to accommodate research facilities, pilot plants, prototype production facilities and other manufacturing operations that require the continual or recurrent application of research knowledge and activity as an integral part of the manufacturing process. Offices and support services are allowed. ~~In no case shall products be produced on the premises primarily for sale or use in production at a location off the premises.~~

The SRP District is used to implement the Comprehensive Plan within those areas shown as the Suburban Tier.

4.3.6 Industrial Light (IL)

The IL District is established to provide for a wide range of light manufacturing, warehousing, and wholesaling activities as well as offices and some support services, all subject to minimum design standards intended to ensure such development is compatible with high visibility areas. Standards of this district are designed to minimize impacts on the environment and to assure compatibility with the surrounding area. It is the intent of this district to offer sites for those industries whose operations, exposure, location or traffic have minimal impact on adjacent properties.

The IL District is used to implement the Comprehensive Plan within those areas shown as the Suburban, Urban, Compact or Downtown Tiers.

4.3.7 Industrial (I)

The I District is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the IL District. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential ~~or commercial~~ development.

The I District is used to implement the Comprehensive Plan within those areas shown as the Rural, Suburban or Urban Tiers.

Sec. 4.4 Planned District Intent Statements

Development guidelines for all planned districts may be found in Sec. 6.11, Planned Districts.

4.4.1 Planned Development Residential (PDR)

The PDR District is established to allow for design flexibility in residential development. The district is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.

The PDR District is used to implement the Comprehensive Plan within those areas shown as the Suburban or Urban Tiers.

4.4.2 University and College District (UC)

The UC District is ~~intended~~ established to allow for growth and development of colleges and universities, while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development.

Development in the UC District shall be designed for a mix of university-related, integrated uses ~~as specified below~~, linked by pedestrian ways, bikeways, and other transportation systems. Development in these districts shall also encourage reduced auto use, mitigate environmental impacts, conserve energy resources and achieve visual continuity in the siting and scale of buildings.

The UC District is used to implement the Comprehensive Plan within those areas shown as part of the Suburban, Urban or Compact Neighborhood Tiers.

4.4.3 Commercial Center (CC)

The CC District is established to provide for orderly development of commercial services in a unified setting on large parcels of land (generally over ten acres in size to serve residential neighborhoods within a three to five mile radius of the site). ~~grouping. The district is intended to encourage innovative development that is integrated with adjacent uses through Development Plan zoning approval.~~ It is not the intent of this district to encourage strip commercial areas, but rather a concentration of commercial activities surrounding a node such as the intersection of two arterials with an overall design scheme. The district is intended to provide a wide range of retail and service activities that serve many neighborhoods. Residential uses are not appropriate in the CC District except in a mixed use setting. Development in the CC district should provide safe pedestrian access for adjacent residential areas.

The CC District is designed for use on sites ~~In its effort to support orderly development, the district is also established to minimize traffic impact; therefore, its use is intended for large lot developments and locations along thoroughfares and at major intersections that are capable of handling the proposed traffic.~~ The CC District should not be located where primary access is from any connector-level street.

The CC District is used to implement the Comprehensive Plan within those areas shown as part of the Suburban or Urban Tiers.

4.4.4 Industrial Park (IP)

The ~~Industrial Park IP~~ District (~~I-1~~) is established to provide for orderly development of manufacturing, research and support activities in a unified campus-style setting. The district is intended to ~~insure~~ ensure development ~~which that~~ is compatible with adjacent uses. The district provides for a range of uses to be developed with an overall design. ~~scheme as shown on an approved Development Plan.~~

The IP District is used to implement the Comprehensive Plan within those areas shown as part of the Suburban or Urban Tiers.

4.4.5 Mixed Use (MU)

The MU District is established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by distinguishable design features. In addition to a mixture of compatible uses, development in this district shall provide amenities, walkways and open space to increase pedestrian activity, decrease reliance on individual vehicles, foster transit usage, enhance the attractiveness of Durham City and County, improve the overall quality of life, and provide for the welfare of the citizens.

~~A Development Plan and a Phasing Plan are required as part of the rezoning application for the mixed-use district; however, limited flexibility is allowed in order to accommodate changes in market conditions over the period of development of the project. Standards for development and a thorough review process are established as a part of this district to assure conformance to this district's purpose. The district is intended for implementation within the boundaries of the Urban Growth Area.~~

The MU District is used to implement the Comprehensive Plan within those areas shown as the Suburban, Urban, Compact or Downtown Tiers.

Sec. 4.5 Neighborhood Protection Overlay (-P)

Commentary: This overlay district would be used to help protect the character of specific neighborhoods. An example might be providing flexibility for infill projects in an older area that has retained its original pattern of development, but is not in an historic district, to ensure maintenance of the existing character of the neighborhood.

4.5.1 Purpose

The purpose of the Neighborhood Protection Overlay is to protect and preserve the established character of existing neighborhoods by limiting the flexibility of underlying base districts in order to more effectively match the density, intensity or established character of an existing area. The overlay may also be used to establish specific design guidelines that are more detailed than the standards of this Ordinance for use during review of development within the overlay.

4.5.2 Establishment of Overlay

- A. A Neighborhood Protection Overlay may only be established as a zoning map change in accordance with the requirements of Sec. 3.5. The overlay and any associated standards or guidelines shall reflect the prevalent intensity and building design existing in the neighborhood. The Planning Director, or designee, shall review any proposed overlay and any associated standards or guidelines to determine conformity with this requirement. No review fee shall be required in the establishment of a Neighborhood Protection Overlay.
- B. A Neighborhood Protection Overlay shall not be established within any designated Historic District.

4.5.3 Modification of Standards

- A. A Neighborhood Protection Overlay may allow for the modification of any of the following standards within this Ordinance:
 - 1. Restrictions to the use regulations in Article 5;
 - 2. District intensity standards in Article 6;
 - 3. Site design standards in Article 7;
 - 4. Landscaping and buffering standards in Article 9; or
 - 5. Sign standards in Article 11.
- B. A Neighborhood Protection Overlay may allow for restrictions on building design or placement details, such as scale, mass, materials, and architectural style.
- C. Any modified standards and regulations shall be expressly set forth in the overlay district at the time of adoption.

4.5.4 Design Guidelines

Where appropriate, a Neighborhood Protection Overlay may require the application of specific design guidelines in the review of development. Such guidelines shall be established as part of the zoning map change, and implemented through review of site plans by the Design District Review Team as set forth in Sec. 2.7.

Sec. 4.6 Transitional Office Overlay (-TO)

4.6.1 Purpose

The Transitional Office Overlay is established to allow an orderly transition of land use from residential use to relatively small-scale office use of lots and parcels fronting major roadways, while maintaining a predominantly residential property appearance and building scale.

4.6.2 Designation of Transitional Office Overlay

A. A Transitional Office Overlay may only be established as a zoning map change in accordance with the requirements of Sec. 3.5.

B. A Transitional Office Overlay may be established in any residential base district, and may be established over more than one residential base district.

4.6.3 Permitted Uses

A. Any use permitted by right, subject to limitations, or through special use permit in the underlying base districts shall be permitted in the overlay.

B. The following uses or use categories shall be permitted in addition to the uses permitted in the underlying zoning district. No retail sales shall be permitted as a primary use in the overlay.

1. Upper-story residential;
2. Medical facilities;
3. Offices;
4. Animal hospital, veterinary clinic, animal boarding place (all without outdoor pens or runs);
5. Artist gallery;
6. Artist studio; and
7. Diet house.

4.6.4 Special Development Standards

A. Buildings in the Transitional Office Overlay shall maintain a single-family detached residential appearance and scale. Residential appearance and scale shall expressly include details from residential uses within 150 feet of the overlay area. Such details may include the following features:

1. Roof type, including extent of eaves, if any;
2. Porches or other similar articulation of the front façade;
3. Size, pattern and location of windows and doors; and
4. Garage or parking location.

B. The underlying district dimensional standards shall be met, except where expressly modified in this paragraph.

1. The maximum length of a building shall not exceed 80 feet.

- 1 **2.** The maximum floor area of any nonresidential use in the overlay or aggregation
2 of multiple nonresidential uses in a single building shall be 5,000 square feet.
- 3 **C.** All nonresidential activity (not allowed within a residential district) shall occur
4 within a completely enclosed building.
- 5 **D.** The residential appearance of buildings shall be furthered by the retention of street
6 lawns free of vehicle parking. No parking shall be permitted in any street yard other
7 than in a driveway. All off-street parking spaces shall be located no closer to the
8 principal street than the front building line, regardless of any required yard or
9 building setback.
- 10

Sec. 4.7 Airport Overlay (-A60, -A65)

4.7.1 Purpose

The Airport Overlay ~~District~~ is established to contribute to the safe operation of airports, to facilitate orderly development around airports, and to control and minimize impacts on surrounding activities. It is also the intent of this overlay district to encourage land use patterns which are appropriate for the airport vicinity and public safety by avoiding concentrations of population. Standards are provided to ensure an attractive entrance to the area in order to encourage trade and commerce and thereby maintain economic vitality.

4.7.2 Applicability

The Airport Overlay ~~District~~ applies to properties in the vicinity of Raleigh-Durham Airport. The specific boundaries are defined on the Official Zoning Map and are imposed on property as an addition to the underlying zoning district. The boundaries generally follow physical boundaries which are identifiable on the landscape and are related to the airport noise contours as determined by the Raleigh-Durham Airport Authority. The Airport Overlay ~~District~~ is divided into two suboverlays ~~districts~~ which are further described below:

A. Area A

Shall be that area generally found within the 65 Ldn of the Raleigh-Durham Airport and shown on the Official Zoning Map.

B. Area B

Shall be that area generally located outside the 65 Ldn but within the 60 Ldn of the Raleigh-Durham Airport and shown on the Official Zoning Map.

4.7.3 Permitted Uses

A. Permitted Uses in Area A

~~All~~ Only agricultural and residential uses ~~allowed~~ permitted in the underlying RR District ~~are shall be allowed. except for the following:~~

~~Places of public assembly not designed for airport patrons including but not limited to: day care centers, schools, hospitals, places of worship, theaters, museums, libraries, and stadiums.
Places of residence including, but not limited to single family homes, multifamily homes, manufactured homes, convalescent centers, group homes, and family care homes.
Recreational establishments not designed to serve airport patrons.
Correctional facilities or jails.
Radio and television broadcasting facilities.
Landfills or quarries.
Above ground bulk storage of explosive, hazardous, or flammable materials and related facilities which could pose a threat to the public in the event of an aircraft crash.
Storage yards for oxides, coal, stone, concrete mixing supplies, asphalt plants, building supplies and dismantled vehicles.~~

B. Permitted Uses in Area B

All uses permitted in the underlying zoning district shall be permitted with the exception of outdoor firing ranges. ~~those uses described below.~~

C. Prohibited Lighting in Area A and B

The lighting types below shall not be permitted:

1. Any moving, pulsating, flashing, rotating, or oscillating light, which may interfere with air traffic other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements.
2. Flood lights, spot lights, or other lighting devices which are not shielded so as to prevent illumination in an upward direction.
3. Any light which constitutes a "misleading light" within the meaning of Federal Aviation Administration regulations.

D. Prohibited Electronic Signals in Area A and B

Any electronic impulse or signal which interferes with communications between aircraft and the airport, or which interferes with established navigation aids shall be prohibited.

E. Prohibited Heights in Area A and B

Structures and signs of a height which obstruct the takeoff and landing of aircraft, as determined by the Federal Aviation Administration, shall be prohibited.

4.7.4 Additional Requirements

A. The Raleigh-Durham Airport Authority shall have the opportunity to review applications for a zoning map change-rezoning, subdivision, or site plan approval prior to a decision by the approving authority. All development within the Airport Overlay District shall also comply with the airspace regulations adopted by the Raleigh-Durham Airport Authority. Whenever said airspace regulations impose more stringent requirements or limitations than are required by this Ordinance, the provisions of the airspace regulations shall prevail.

B. ~~Proposals for rezoning applications for Residential development within the Airport Overlay zones within Area B~~ shall demonstrate that aircraft noise exposure within the dwellings shall not exceed decibel levels of 45 Ldn and be certified by an acoustical engineer or a board certified member of the Institute of Noise Control Engineering. Measures for reducing noise exposure may include: orientation of structures, design standards, landscaping, or construction materials used in walls, windows, doors, roofs, floors, or ceilings. Design guidelines for noise reduction are available from publications of the ~~RDU~~ Raleigh-Durham Airport Authority.

C. ~~Proposals for rezoning applications for Residential development within the Airport Overlay zones within Area B~~ shall ~~demonstrate~~ ensure that purchasers of the dwellings will be notified that the property may be subject to noise exposure from aircraft using Raleigh-Durham Airport. Measures used to notify purchasers may include notices on plats or deeds.

~~Development shall meet the requirements of the underlying zoning district in addition to the requirements of the Airport Overlay District.~~

D. Nonconforming uses may be continued subject to the regulations found elsewhere in this Ordinance. However, no building permit shall be issued which would allow a greater hazard (for example: more units, or brighter lighting) to public airport safety than existed at the time of adoption of this Ordinance.

Sec. 4.8 Downtown Design Overlay (-DDO)

4.8.1 Purpose

The Downtown Design Overlay District (DDO) is established to provide for a transition of uses between the Downtown Historic District and nearby uses, which surround the downtown. It is the intent of the DDO to encourage intense development and pedestrian activity through a mixture of uses appropriate to the downtown area. The standards of the DDO are established to provide for a vital downtown economy that maintains Durham's focus as a commercial, cultural and entertainment hub of the region while increasing livability. The DDO is intended to work in tandem with the Downtown Durham Master Plan adopted May 2000.

4.8.2 Applicability

This Downtown Design Overlay District is intended for properties adjacent to the Downtown Historic District of the City of Durham. The regulations of the overlay district either supplement, or replace, the regulations of the underlying zoning district, as described herein. ~~The regulations in the overlay district are not applicable until a map amendment is passed establishing the actual boundaries of the district. Those boundaries shall be displayed on the Official Zoning Map. Within its boundaries, The DDO is~~ shall be divided into the three following areas as shown on the Official Zoning Map:

A. DDO-1

The portion of the DDO ~~generally~~ closest to the Downtown Historic District, where dense urban development is encouraged in a manner consistent with the existing Downtown character.

B. DDO-2

The portion of the DDO where a sensitive urban transition is desired from the surrounding neighborhoods to the denser city center.

C. DDO-3

The portion of the DDO adjacent to the surrounding neighborhoods where the scale of downtown development should taper to be compatible with the residential context.

4.8.3 Design Guidelines

A. One of the goals of the adopted Downtown Durham Master Plan is:

To create building and streetscape design standards for development in the area that highlight and accent Durham's existing wealth of historic architecture, spaces, places and views, and are compatible with traditional planning and defensible space concepts.

B. In support of this goal, all new development in the DDO requiring a building permit unless exempted by Article 14, Nonconformities, shall be subject to the provisions of this Overlay District and, in addition, to design guidelines established pursuant to this Ordinance.

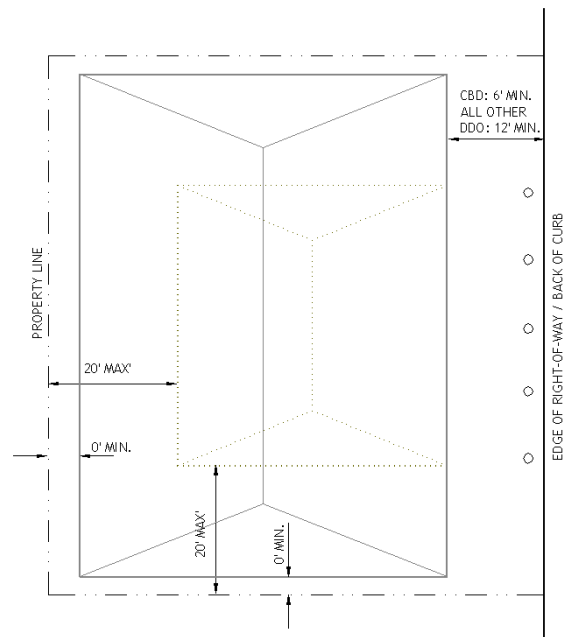
Commentary: See the Durham Design Manual for Downtown guidelines applicable in the DDO.

- C. The design guidelines shall be ~~adopted~~ established and maintained by the Planning Director, or designee, ~~Department~~, after consultation with other affected City Departments, and shall be periodically reviewed and updated as needed.
- D. Design guidelines and standards are necessary to achieve the desired goals for the DDO, which requires more attention to design than development in other parts of the City and County. In the DDO there ~~will~~ shall be an emphasis on architectural detail and human scale design. The focus ~~will~~ shall be on promoting street level activity by designing multi-modal streets, designing to achieve pedestrian scale, avoiding blank walls, monolithic massing and long expanses of street front parking lots, and providing pedestrian amenities throughout the area such as lighting, seating areas, bike racks, etc. While the design guidelines will not dictate architectural styles, they will suggest a variety of design options for achieving compatibility within the designated boundaries.

4.8.4 Setback Yard Requirements

The standard yard-setback requirements of the base district shall not apply within the DDO but shall be determined as follows:

- A. The maximum setback side and rear yard shall be 20 feet measured from the property line.
- B. In the CBD District, the minimum setback street yard shall be six feet measured from the back of curb, without regard to the location of the property line. In all other zoning districts, the minimum street yard shall be 12 feet measured from the back of the curb, so long as the structure does not lie within any right-of-way.
- C. Buildings above 20 feet in height may be built to the property line without regard to the setback the yard requirements. To support any building above ~~the 20-foot~~ such height, columns may be placed in the portion of any sidewalk area not in the right-of-way, located on private property, which extends out to the property line. The ~~minimum setback applies to all the street frontages of a building to ensure adequate urban sidewalk space.~~



- D. ~~Setbacks~~ The yard requirements may be increased beyond the maximum by the Development Review Board for purposes of in order to enhance pedestrian access or to incorporate public open space or plazas.
- E. Buildings shall be sited in accordance with the Downtown Design Guidelines ~~established~~ adopted pursuant to this Ordinance.
- F. Pedestrian arcades shall have a horizontal clearance of not less than six feet for pedestrian mobility and ADA compliance.

4.8.5 Height Requirements

The standard height requirements of the base district shall not apply within the DDO but shall be determined as follows.

A. Maximum Height

All building heights shall be in conformance with the Downtown Design Guidelines ~~adopted~~ established pursuant to this Ordinance. The maximum building height shall be in accordance with the following table.

Maximum Building Height	
District	Maximum Height
DDO-1	300 feet
DDO-2	6 stories
DDO-3	3 stories

~~Building height maximums shall be 300 feet or 20 stories, whichever is less, in the DDO-1, 80 feet or 6 stories, whichever is less, in the DDO-2, and 45 feet or 3 stories, whichever is less in the DDO-3,~~

B. Additional Height Provision

- At time of subdivision or site plan approval, the DRB may approve additional building height.
- ~~In DDO-1, the DRB may approve up to an additional 30 feet in height. up to 10 percent higher than the building height maximums in the DDO-1.~~
- ~~In the DDO-2 and DDO-3, the DRB may approve an additional story in height may be approved provided it is restricted to residential use and meets the following requirements: in 5.4.6.1. Approval of additional height is dependent upon the finding that and a finding is made that the additional height will not adversely affect adjoining properties. as determined by the Development Review Board.~~
- ~~Within the boundaries of the overlay district, The Board of Adjustment may grant additional height to that permitted by 5.4.6.1, this section, or may hear appeals of decisions of the Development Review Board regarding height. The Board of Adjustment may grant additional building height upon the issuance of a Minor Special Use Permit (SUP) pursuant to Sec. 3.9, Special Use Permit, considering the following findings in addition to those set forth in Sec. 3.9.8. Before granting a SUP the Board of Adjustment shall follow standard SUP and~~

~~variance procedures and make the standard findings, and, in addition, shall find that:~~

- a. The proposed ~~plan~~ development allows for adequate light, air, and open space to access adjacent properties through the use of techniques described in the Downtown Design Guidelines such as stair-stepped massing;
- b. The proposed ~~plan~~ development adequately protects surrounding properties from any adverse effects of the proposal including adverse impacts of the height of the structure considering in particular the height of structures in the immediate vicinity; and
- c. The proposed ~~plan~~ development provides for safe traffic and pedestrian movements.

4.8.6 Residential Density Requirements

Density features of the DDO ~~include~~ allow an increase in density of residential development over the underlying zoning district. The residential density requirements of the base district shall not apply within the DDO but shall be determined as follows.

- A. Residential density shall be established as indicated below.

Required Units per Acre		
District	Minimum	Maximum
DDO-1	12	100
DDO-2	8	40
DDO-3	8	16

- B. Residential density for developments with at least 65% of total floor area allocated to residential uses and at least 75% of total 1st floor area allocated to nonresidential uses may be increased as indicated below.

Maximum Units per Acre			
District	1 st Floor Office	1 st Floor Commercial	1 st Floor Commercial 2 nd Floor Commercial or Office
DDO-1	112	125	150
DDO-2	45	50	60
DDO-3	18	20	24

- C. In some situations these densities may not be appropriate due to environmental conditions (such as site constraints) or existing development patterns (such as proximity to a historic district or established neighborhood). In such cases, the approving authority body may require a reduction in the number of units per acre.
- D. The Board of Adjustment may grant adjustments to the density permitted by this section upon the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit, considering the following findings in addition to those set forth in Sec. 3.9.8.

1 1. The proposed development adequately protects surrounding properties from
2 any adverse effects of the proposal including adverse impacts of the density of
3 the use considering in particular the intensity of uses in the immediate vicinity;
4 and

5 2. The proposed development provides for safe traffic and pedestrian movements.

6
7 ~~In the DDO-1 a residential density of 100 units per acre maximum and 12 units per acre~~
8 ~~minimum is allowed.~~

9 ~~In the DDO-2 and DDO-3 a residential density of 16 units per acre maximum and 8 units per~~
10 ~~acre minimum is allowed.~~

11 ~~In the DDO-3 a residential density of 16 units per acre maximum and 8 units per acre minimum~~
12 ~~is allowed.~~

13 ~~The City through a SUP may approve additional density in the DDO-1, DDO-2, and DDO-3~~
14 ~~areas. Consider dividing up between major and minor SUP. City and BOA.~~

15 ~~The Approving Body may grant up to a 25 percent increase in the number of dwelling units~~
16 ~~allowed when residential uses are combined with commercial or office uses in the same~~
17 ~~structure.~~

18 ~~Residential development in the DDO shall not be required to meet parking or buffer~~
19 ~~requirements.~~

20 ~~Combinations of commercial or office and residential uses are allowed and shall conform to any~~
21 ~~additional requirements specified in Section 4D.1.9.~~

22 4.8.7 Nonresidential Intensity Requirements

23 The standard intensity requirements of the base district shall not apply to
24 nonresidential development in the DDO. as well as provisions for a nonresidential
25 density conducive to Downtown development. Density features of the DDO include
26 an increase in density of residential development over the underlying zones.

- 27 A. The following nonresidential intensity requirements shall apply to mixed-use
28 developments where at least 35% of the total floor area is allocated to nonresidential
29 uses.

Required Floor Area Ratio		
District	Minimum	Maximum
DDO-1	2.5	na
DDO-2	2.0	4.0
DDO-3	1.0	2.5

- 31
32 B. ~~In cases where it is contextually appropriate or environmentally prudent, the~~
33 approving authority Body may approve a floor area ratio above the maximum or
34 below the minimum as long as it finds the proposed intensity will not pose any
35 negative effects on the surrounding properties.

36 4.8.8 Permitted Uses

- 37 A. The DDO should contain a mix of complementary uses. Complementary land uses
38 are those uses that offer goods and services at different times of day, and provide a
39 consolidated "one stop" area for people to live, work, shop and participate in
40 entertainment and community activities in close proximity to one another.
41 Complementary land uses ~~located in a neighborhood that has been~~ should be

designed to accommodate pedestrians, bikes, buses and trains, and reduce dependence on the automobile, thereby reducing traffic congestion and the need for additional parking areas. ~~The Uses may be mixed within a building or within a site. Supplementary requirements specified in Sec. 5.3 of the ordinance are applicable to the uses; however, major and minor special use permits are not required. Applicable performance standards of Section 8 also apply. The only uses allowed in the Overlay District 1 and 2 are those allowed in the base districts that also are allowed in either paragraph 1 or 2 below.~~

B. Uses permitted in the DDO are listed on the use table in Sec. 5.1.

C. The applicant may specify additional limitations or details regarding the proposed uses in a zoning map change rezoning application.

4.8.9 Buffer and Landscaping Requirements

Commentary: See the Durham Design Manual for Downtown landscape guidelines.

A. ~~The buffer width requirements of and landscaping amounts in Article 9 the base zone (see Sec. 10.2.4 & 10.2.5 Buffer and Landscaping Requirements) shall not apply, within the overlay district but shall be as follows: Buffers and landscaping shall be designed according to in accordance with the Downtown Design Manual Guidelines adopted established pursuant to this Ordinance.~~

B. The landscape requirements in Article 9 shall not apply; however, at least 10% of the total site area shall be landscaped. Guidelines for such landscaping requirements shall be provided in the Downtown Design Guidelines established pursuant to this Ordinance.

~~All development shall provide 10 percent of the total site area in landscaping that complies with the requirements of the Neuse Performance Standards.~~

4.8.10 Parking and Streets Requirements

Commentary: See the Durham Design Manual for Downtown parking guidelines.

A. Design of parking areas shall be a critical consideration for Site Plans ~~within this Overlay District, and shall be in conformance with the provisions of Article 10, Off-Street Parking and Loading. of the Zoning Code.~~

~~When a Traffic Impact Analysis (TIA) is necessary, a Major Special Use Permit is not required.~~

B. No minimum parking ~~is shall be~~ required. Parking shall not exceed the minimum number required by the base use. Exceptions to this requirement may be granted by the ~~Approving Body~~ Development Review Board if the additional parking does not negatively impact the pedestrian flow of the area and the following additional findings supporting the decision are made: ~~Such findings include but are not limited to:~~

1. There is A demonstrated need for additional parking;

2. The applicant is employing Use of traffic demand management techniques to minimize parking;

3. Efforts have been made to minimize significant tree cutting; and
4. The ability to share parking with ~~other~~ nearby development has been evaluated.
- C. After considering a recommendation from the Public Works Director, or designee,
alternate street widths may be ~~approved~~ permitted at the time of site plan approval.
~~The Approving Body shall make its decision using the criteria listed in Section 4.89.B~~
- D. The design of parking lots and structures shall conform to the Downtown Design
Guidelines ~~adopted~~ established pursuant to this Ordinance.
- E. Parking lots and parking structures ~~are~~ shall not be permitted adjacent to single-
family residential properties that abut the DDO.

4.8.11 ~~Urban-Public~~ Open Space and Streetscape Requirements

Commentary: See the Durham Design Manual for Downtown streetscape guidelines.

- A. The adopted Downtown Durham Master Plan identifies the provision of gathering spaces as one of four elements needed to create and maintain a strong downtown character. The streetscape and its connection to ~~urban-public~~ open space are critical in providing such gathering opportunities, and shall be incorporated into downtown development.
- B. All new development shall be in conformance with the Downtown Streetscape Guidelines ~~adopted~~ established pursuant to this Ordinance.
- C. ~~Urban-public~~ Open space shall be provided as follows:
 1. All ~~residential~~ development (~~including mixed-use developments where~~ with at least 65% of the total floor area ~~is allocated to residential uses~~) shall be required to designate ~~provide~~ a minimum of ~~5 one percent~~ 1% of the total site area ~~in urban-public as open space. Publicly accessible spaces must constitute~~ At least 50% of the required open space shall ~~requirement, and must~~ be publicly accessible, and ~~may~~ shall be located on site or within 1,000 feet of the site.
 2. ~~Nonresidential development (including mixed-use developments where at least 35 percent of the total floor area is nonresidential)~~ All other development with at least 20,000 square feet of gross total floor area shall provide one square foot of publicly accessible open space for every 100 square feet of gross total floor area.
 3. ~~Urban-public~~ The required open space must ~~shall be provided on private property or on publicly dedicated property., whether it is intended for public access or private access.~~
 4. A maximum of 30% of the required ~~urban-public~~ open space may be provided in a sheltered or enclosed ground floor area level provided it that directly adjoins the a publicly accessible outdoor public open space area. ~~Enclosed urban-public spaces shall not include building lobbies, or other functional building spaces, but may include atria, galleries, interior courts, greenhouses, and other similar spaces whose main function is as a gathering space. All of the provisions of Section 5.4.11 shall apply.~~
 5. In recognition that some ~~urban-public~~ open spaces are more costly to provide and are expected to have a greater public impact, yet occupy a smaller land area

than other possible open spaces, ~~provisions~~ City Development Review Board the Design District Review Team (DDRT) may as part of a zoning map change or site plan approval ~~reduce these the open space requirements by~~ up to a maximum of 25%. ~~The reduction allows the City Development Review Board to determine the appropriate balance so that urban public space suitable to residents and users of the site and area can be achieved. The City Development Review Board may grant such a reduction as part of rezoning or site plan approval.~~ To grant the reduction, City Development Review Board the DDRT shall find that the proposed open space facilities are:

- a. Is appropriate to the project and the DDO; and
- b. Will result in facilities of a particularly high quality or allowing particularly intensive use or otherwise likely to better serve the intended users.

6. In cases where the DDRT, in consultation with the Parks and Recreation Department finds the ~~provision of urban public~~ open space requirement unnecessary due to the proximity of other similar open spaces or infeasible ~~considering based on~~ site and project constraints, the DDRT may require a payment-in-lieu of the ~~public~~ open space. The City shall adopt a schedule of fees for such payments, and payment shall be made prior to the issuance of building permits. Payments shall be maintained in an account used by the City to implement off-site improvements in the ~~overlay district~~ Downtown Tier in accordance with the Downtown Streetscape Guidelines, including public art.
7. Developer-installed sidewalks ~~areas along~~ adjacent to the public right-of-way or public access easements may count towards the open space requirement provided they meet the following requirements: ~~as eligible public access urban space if they~~
 - a. Are not less than eight feet wide;
 - b. Are wide enough to, and actually do, accommodate seating and/or other pedestrian amenities; and
 - c. Are specifically designed for ~~such~~ multiple uses. ~~Examples may include such as~~ sidewalk café seating, expanded temporary sidewalk art gallery space, and permitted sidewalk sales.
8. Visible landscaped areas outside of the public right-of-way between public access sidewalks, buildings and parking areas more than ten feet wide may also count for up to 25% of the ~~urban public open space requirement. if they are greater than 10 feet wide and are visible and/or accessible from other urban public spaces or sidewalks.~~ Streets, driveways and other service areas shall not be counted toward the open space requirements.
9. ~~Urban public~~ Open space shall conform to the provisions of the Downtown Design Guidelines, and shall incorporate all applicable elements of the Downtown Streetscape Guidelines.

4.8.12 Sign Requirements

1. All the requirements of Article 11, Sign Standards shall apply, except that, in DDO-3, freestanding pylon signs, marquee signs, and roof signs shall not be permitted.

1 **2. Moveable signs may be permitted pursuant to Sec. 11.5.2, Moveable Signs on**
2 **Sidewalk.**
3

4 ~~The limited setbacks and pedestrian-oriented nature of the Overlay District generally~~
5 ~~eliminates the need for freestanding business signs. In the overlay, signs should shall~~
6 ~~be placed on or attached to buildings. Low stature freestanding business signs and~~
7 ~~menu and sandwich board signs, whose surface area does not exceed 15 square feet~~
8 ~~and which are pedestrian scaled, may be allowed in the Overlay District subject to~~
9 ~~review and approval by the DDRT Informational, traffic and directional, and other~~
10 ~~governmental freestanding signs are allowed in accordance with the Sign Ordinance.~~

11 **4.8.13 Additional Requirements**

12 ~~These additional requirements shall apply.~~

- 13 A. Site plan approval shall be required for all development. ~~within this district.~~
- 14 B. A Major Special Use Permit (MSUP) ~~is in accordance with procedures of Sec. 3.9~~
15 ~~Special Use Permit, shall be required for all over-street connections, including but~~
16 ~~not limited to aerial pedestrian bridges and enclosed building areas. The City shall~~
17 ~~consider the proposal's project's relationship to the street and street level objectives~~
18 ~~and activities, and shall find that:~~
- 19 1. The ~~proposal~~ project shall not pose any negative effects on the surrounding
20 properties; and
- 21 2. The ~~proposal~~ project shall be contextually appropriate.
- 22 C. Within 30 days of the expiration of a valid building or construction permit, any lot
23 that becomes vacant, for example due to the removal of a structure, shall be planted
24 with ground cover, grass or other appropriate landscaping material and maintained.
25 A berm, wall, opaque fence, and/or landscaping with a height of at least 36 inches
26 and not to exceed 48 inches shall be placed along the street side of the property. The
27 screening shall be in conformance with the Downtown Design Guidelines and the
28 Downtown Streetscape Guidelines, and not provide hiding areas that make
29 pedestrians feel unsafe.

Sec. 4.9 Major Transportation Corridor Overlay (-MTC)

4.9.1 Purpose

The MTC Overlay District is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. Certain arterial streets, parkways and expressways are of critical importance to Durham City and County. Rights-of-way carrying high volumes of traffic are image makers for Durham City and County. They act as entryways for visitors and residents and also serve as an indicator of the quality of life found in the area. Standards are provided to ensure that thoroughfares in this overlay district develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design.

4.9.2 Applicability

~~The MTC Overlay District is intended for application parallel shall apply to all property within 1,250 feet to the rights-of-way of a designated major thoroughfare, and may extend up to 2,500 feet at intersections. for a depth on each side of 1,250 feet. The depth on each side may extend to 2,500 feet at intersections. The district is measured perpendicular to the travel lanes and perpendicular to the right-of-way except at intersections where it may be expanded to allow for exit and entry ramps. The MTC Overlay shall be measured perpendicular to the edge of the right-of-way.~~
The actual boundaries shall be determined at the time of adoption of the MTC Overlay and shall be shown on the Official Zoning Map.

4.9.3 Buffer and Landscaping Requirements

A. Location of Buffers

~~A buffer are required parallel shall be provided along the perimeter of the property line adjacent to the right-of-way the designated major thoroughfare or adjacent frontage roads. on properties within the TCO District.~~

B. Buffer Width

1. ~~The buffer width shall be a minimum of be no less than 30 feet up to a maximum of and no more than 100 feet. in depth. The dimensions acutal buffer width shall be determined at time of adoption of the overlay-district. In determining the width of the buffer, the governing body shall consider the following factors:~~

- a. The topography of the area;
- b. The existing and proposed land uses;
- c. The size of the adjacent parcels;
- d. The traffic volumes of the corridor; and
- e. Any additional factors the governing body deems reasonable in carrying out the purpose of the Ordinance.

2. The following buffer widths shall be provided for the following designated major throughfares.

MTC Overlay	Buffer Width
I-40	100 ft.
I-540	50 ft.

4.9.4 Permitted Activity in Buffer Area

- A. Within the buffer area, existing vegetation shall be maintained in a natural, undisturbed state. In areas where the existing vegetation provides inadequate screening, the property owner or applicant shall install vegetation that meets the opacity standards of Sec. 9.4.3. ~~Where site plan approval calls for higher standards, the higher standards shall apply.~~
- B. ~~No development is allowed within the buffer. In approving a site plan or subdivision plat, however,~~ When necessary, streets and utility easements may be permitted to cross the required buffer area for access. Such crossings shall be designed to minimize clear views through the required buffer. The nature and limits of such intrusions ~~into the buffer~~ shall be shown in detail on the site plan or subdivision plat.
- C. Trails may not intrude laterally into the buffer for distances greater than 50 feet. Trails ~~should~~ shall meander to avoid natural features and to prevent clear views through the buffer. Selective thinning ~~may be~~ is allowed; however, no tree over 12 inches in caliper shall be removed for the trail. The maximum trail width ~~is 5~~ shall be ten feet. Trails shall be shown on site plans and subdivision plats.
- D. Walls or fences shall not be constructed within the buffer area.
- E. Stormwater control structures may be located in the buffer area provided that they meet the following requirements:
1. The property owner or applicant shall demonstrate to the satisfaction of the City Director of Public Works or County Engineer, or their designee, that such facilities cannot be practicably located outside of the buffer area, and that any proposed stormwater control structure is sited and designed to minimize disturbance of the buffer area;
 2. Alternate methods of stormwater and erosion control shall be considered prior to approval of such structures in the buffer area;
 3. A vegetated buffer of a width determined by the City Director of Public Works or the County Engineer, or their designee, may be required around the stormwater control structure; and
 4. Any land disturbed for these structures shall be revegetated in accordance with the revegetation standards of Sec. 9.5.2.
- F. Signs within the MTC Overlay District shall not exceed 12 feet in height.

4.9.5 Adjustments to the Required Buffer

The buffer width and amount of landscape materials may be reduced through the issuance of a Major Special Permit pursuant to Sec. 3.9, Special Use Permit, considering the following issues in addition to the findings set forth in Sec. 3.9.8.

by the governing body,

1. Taking into consideration The topography of the area; traffic volumes, surrounding land uses, and

2. The size of the parcel of record.

The governing body may allow areas covered by water or wetlands, to be credited toward meeting these requirements. Expansive lawns which are permanently restricted from development may also be credited toward meeting these requirements by the governing body. The Board of Adjustment shall not grant a variance which modifies the width of the buffer. Streets and easements through the buffer may be allowed by the governing body at the time of site plan or subdivision approval upon the finding that such a crossing is necessary for safe ingress or for utility service to the property. Any crossings should be designed to minimize clear views through the buffer.

Adjustments to the Buffer Width

The buffer width may be reduced at the time of subdivision or site plan approval by the Board of Adjustment if a property of record is rendered unusable by the buffer. Factors to consider are the topography of the area, traffic volumes, surrounding land uses, and size of the parcel. Where practical, the developer shall insure that an amount of buffer equivalent to the amount that is lost is placed elsewhere on the site.

Noneconforming Structures

Where a property contains a structure within a buffer at the time of adoption of the MTC District, any change or addition to that structure which requires a site plan or subdivision plat approval shall be required to comply with the requirements of this Overlay District. Other freestanding signs shall not exceed 16 feet in height unless approval has been received from the Development Review Board under Sec. 0 in accordance with provisions found elsewhere in this Section.

Additional Requirements

The requirements of the underlying district shall also apply to new development. Additional Requirements can also be found in Section XX. [Ref previous language from § 12.8.2.2]

Sec. 4.10 Historic Districts and Landmarks Overlay (-H)

4.10.1 Purpose

Historic Districts and Landmarks may be established to protect and preserve areas and landmarks with special significance in terms of prehistorical, historical, architectural or cultural importance, and possesses integrity of design, setting, materials, feeling and association.

4.10.2 Designation

- A. Historic Districts and Landmarks may be designated by the Governing Body Board of County Commissioners or by the Durham City Council, as appropriate, after the Durham HPC deems and finds that the area is of special significance in terms of its prehistorical, historical, architectural or cultural importance, and possesses integrity of design, setting, materials, feeling and association.
- B. Procedures for designation of Historic Districts and Landmarks ~~can~~ shall be found in Sec. 3.17.

4.10.3 Applicability

All development within a designated historic district shall comply with the requirements contained in this section. In addition, all development within a designated historic district shall comply with the requirements of any underlying zoning district.

4.10.4 Standards

General standards that apply to all Historic District and Landmark Overlays may be developed; however, each individual overlay may have additional specific standards that apply specifically to one overlay. Each individual overlay may have specific standards, or general standards that apply to all historic areas might be developed.

4.10.5 Demolition by Neglect

The provisions of Sec. 3.19, Demolition by Neglect, shall be applicable to properties designated as historic landmarks pursuant to Sec. 3.17.4, Designation of a Historic Landmark and Sec. 3.17.5, Designation of a Landmark Sign.

~~Commission~~

~~To serve the purpose of preserving and protecting Durham's historic heritage and to assist in advising elected officials about historic preservation, the Durham Board of County Commissioners and the Durham City Council have jointly established the Durham Historic Preservation Commission.~~

Sec. 4.11 Watershed Protection Overlay

4.11.1 Purpose

A. The purpose of the Watershed Protection ~~Overlay Districts~~ is to preserve the quality of the region's drinking water supplies through application of the development standards in Article 8, Environmental Protection. In general, water supply watershed protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective ~~of these districts~~ is to:

1. Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and
2. Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

B. Watershed protection regulations ~~are~~ shall be adopted by the City of Durham and Durham County in accordance with the requirements of the North Carolina Environmental Management Commission, Title 15A NCAC 2B .0100, .0200 and .0300, (adopted pursuant to NCGS §143-214.5) and in accordance with NCGS §160A-381 through 383, and NCGS §153A-340 through 342.

4.11.2 Establishment of the Districts

A. The following six Watershed ~~Overlays Districts~~ ~~are~~ shall be hereby established for lands within the watersheds of public drinking water rivers and reservoirs. Each Watershed Overlay is divided into two areas, a Critical Area (A) and a Protected Area (B), based on their distance from the protected water supply and ridge lines that define the drainage basin.

Overlay	Designation	General Location
M/LR-A	Lake Michie/Little River District A	County Jurisdiction: One mile from the 341 foot MSL normal pool of Lake Michie and from the 355 foot MSL normal pool of the Little River Reservoir, or to the ridge lines defining their drainage basins, whichever is less. City Jurisdiction: One mile from the normal pool of Lake Michie and the Little River Reservoir, or to the ridge lines defining their drainage basins, whichever is less.
M/LR-B	Lake Michie/Little River District B	The portion of the drainage basins of Lake Michie and the Little River Reservoir not covered by M/LR-A.
F/J-A	Falls/Jordan District A	County Jurisdiction: One mile from the 251.5 foot MSL normal pool of Falls Reservoir and from the 216 foot MSL normal pool of the Jordan Reservoir, or to the ridge lines defining their drainage basins, whichever is less. City Jurisdiction: One mile from the normal pool of Falls Reservoir and Jordan Reservoir, or to the ridge lines defining their drainage basins, whichever is less.
F/J-B	Falls/Jordan District B	From the edge of F/J-A District Overlay to five miles from the normal pool of the Falls Reservoir and the Jordan Reservoir, or to the ridge lines that define their drainage basins, whichever is less.

Overlay	Designation	General Location
E-A	Eno River District A	One mile from and draining to the Eno River water intake.
E-B	Eno River District B	From the edge of E-A to 10 miles from the Eno River water intake, or to the ridge lines that define the drainage area of the intake, whichever is less.

- B. The general boundaries of the Watershed Overlays ~~Districts~~ are defined by the distance from the normal pool and ridge line criteria described above, with rights-of-way and property lines used to determine inclusion or exclusion in the Watershed Overlay ~~Districts~~.
- C. The general ~~District~~ boundaries and the parcels included within these boundaries are shown on the map entitled "Watershed Overlays ~~Districts~~ Parcels Map", which is included by reference and adopted as part of this Ordinance.
- D. Where a general ~~District~~ boundary crosses a parcel, parcels of one-half acre or less shall be excluded from the ~~District~~ Overlay, and parcels of one-half acre or more shall be included. Upon adoption of this Ordinance, the parcels included in each ~~District~~ Overlay and their Watershed Overlay ~~District~~ designation shall be shown on the Official Zoning Map.

4.11.3 Rules for Interpretation of Overlay Boundaries

- A. Upon request by a property owner whose property is ~~bisected~~ divided by an general Overlay boundary line, the Planning Director, or designee, ~~is shall be~~ authorized to determine administratively the exact boundary of the Watershed Overlay ~~District~~.
- B. The Planning Director, or designee, shall interpolate the general boundary as shown on the Watershed Overlays ~~Districts~~ Parcels Map, but may vary it to exclude lots of one-half acre or less in a proposed subdivision. In addition, the Planning Director, or designee, may use identifiable physical features, such as roads, streams or easements, as boundaries if they approximately coincide with the interpolated general Overlay boundary ~~District~~ line. All such changes shall be shown on the Official Zoning Map, and shall be reflected on the updated Watershed Overlays ~~Districts~~ Parcels Map, which shall be maintained by the Planning Department.

4.11.4 Nonresidential Land Use Restrictions

~~The range of uses allowed in residential zones shall be permitted in any Watershed District (including but not limited to places of worship, schools, and public parks). Nonresidential land uses shall be restricted permitted in Watershed Districts in accordance with the following table and Sec. 8.8, Watershed Protection Overlay Standards. Nonresidential Performance Standards.~~

Overlay	Development Restrictions
M/LR-A	All industrial uses <u>listed in Sec. 5.2.7</u> , and the sale of fuel for motor vehicles shall be prohibited. shall not be permitted. Commercial and office uses shall be permitted, with a Major Special Use Permit.
M/LR-B	All Industrial uses <u>listed in Sec. 5.2.7</u> shall not be prohibited. permitted. Commercial and office uses shall be permitted, with a Major Special Use Permit.

Overlay	Development Restrictions
F/J-A	<p>Except in the Rural Tier, nonresidential uses shall not be prohibited permitted, except that commercial uses listed in Sec. 5.2.5, office uses listed in Sec. 5.2.6 and light industrial uses listed in Sec. 5.2.7A and research uses shall be permitted on land zoned for such uses (see Sec. 5.1) as of September 28, 1992, provided that they do not manufacture, distribute or warehouse for distribution nuclear materials or substantial quantities of hazardous materials. Such uses may be permitted to store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, subject to the requirements of Sec. 8.8.2G provided that they maintain a 1000-foot natural vegetated buffer from the normal pool of the reservoir.</p> <p>Land already zoned for one of the above uses may be rezoned to permit one of the above nonresidential uses, except for commercial uses, in accordance with the procedures of Sec. 3.5, Zoning Map Change.</p> <p>The maximum impervious surface shall not exceed 40%. Proposed development that exceeds 25% impervious surface shall require Major Special Use Permit approval in accordance with Sec. 3.9.</p> <p>Within the Rural Tier, industrial uses shall not be permitted. commercial nonresidential uses shall be prohibited except that uses allowed in the CN District and office uses allowed in the Office and Institutional (O&I-1 and O&I-2) districts shall <u>may</u> be permitted. The sale of fuel for motor vehicles shall be prohibited.</p> <p><i>County Jurisdiction: Inside of the UGA</i></p> <p>Land zoned for either commercial, office, light industrial and research uses, as indicated above, may be considered for a change of zoning to any other of these nonresidential uses, except commercial uses. ; and Notice of governing board consideration of any site plan for any development shall be published in a newspaper of general circulation at least 10 days but not more than 25 days prior to the date of the governing board meeting. However, Such uses shall not be permitted if they manufacture, distribute or warehouse for distribution nuclear materials or substantial quantities of hazardous materials. If such uses store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, those uses shall be subject to the requirements of Section 5.5.5.2 A natural vegetated buffer shall be retained within one thousand (1000) feet from the normal pool of the reservoir; Nonresidential Performance Standards.</p> <p>Outside of the UGA and a Major Special Use Permit shall be required. The Major Special Use Permit shall satisfy any requirements for a Minor Special Use Permit.</p>
F/J-A	<p><i>City Jurisdiction: Inside of the UGA</i> Other than the Rural Tier, nonresidential uses shall not be permitted, except that commercial, office, light industrial and research uses shall be permitted on land zoned for such uses as of September 28, 1992, provided that:</p> <p>A Major Special Use Permit is approved;</p> <p>The maximum impervious surface shall not exceed forty (40) percent; and</p> <p>A natural vegetated buffer shall be retained within one thousand (1000) feet from the normal pool of the reservoir. However, such uses shall not be permitted if they manufacture, distribute or warehouse for distribution nuclear materials or substantial quantities of hazardous materials. If such uses store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, those uses shall be subject to the requirements of Section 5.5.5.2 Nonresidential Performance Standards.</p> <p>Outside of the UGA, nonresidential uses shall not be permitted.</p> <p>The sale of motor vehicle fuel shall be prohibited.</p>

Overlay	Development Restrictions
F/J-B	Municipal solid waste landfill facilities that are constructed and operated in accordance with N.C. Administrative Code Title 15.A.13.B. Sec. 1600 shall be permitted. Within the Rural Tier, commercial uses listed in Sec. 5.2.5, office uses listed in Sec. 5.2.6 and industrial uses listed in Sec. 5.2.7 that manufacture, distribute, warehouse for distribution, store for on-site use, or produce as a waste product nuclear material or substantial quantities of hazardous materials shall be subject to the requirements of Sec. 8.8, Watershed Protection Overlay Standards. industrial uses shall not be permitted. ,but commercial and office uses shall be permitted. Inside of the UGA, commercial, office and industrial uses shall be permitted. However, if such uses manufacture, distribute, warehouse for distribution, store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, those uses shall be subject to the requirements of Section 5.5.5.2 Nonresidential Performance Standards. Outside of the UGA,
E-A	Industrial uses listed in Sec. 5.2.7 shall not be prohibited. permitted. Commercial and office uses shall be permitted. The sale of fuel for motor vehicles shall be prohibited.
E-B	Within the Rural Tier, commercial uses listed in Sec. 5.2.5, office uses listed in Sec. 5.2.6 and industrial uses listed in Sec. 5.2.7 that manufacture, distribute, warehouse for distribution, store for on-site use, or produce as a waste product nuclear material or substantial quantities of hazardous materials shall be subject to the requirements of Sec. 8.8, Watershed Protection Overlay Standards.

Development of Property Adjacent to Interstate 540

The following standards are imposed in order to enhance the economic and aesthetic appeal of properties adjacent to Durham's transportation corridors.

Application

The standards shall apply to all new development approvals and subdivisions which are adjacent to Interstate 540 and adjacent to I-540 interchanges back to the established point where controlled access begins.

Requirement

All new development and subdivisions shall provide a buffer strip of natural vegetation at least 50 feet wide measured perpendicular to the right of way. No development shall be allowed within the buffer strip and all existing vegetation shall be maintained in a natural and undisturbed state. Where the existing vegetation is not adequate to meet the "Landscape Screen Standards" of Section 10 of this ordinance, the applicant shall install adequate vegetation to meet these standards.

Adjustments to the Buffer Width

The buffer width and amount of landscape materials may be reduced by the governing body, taking into consideration the topography of the area, traffic volumes, surrounding land uses, and the size of the parcel of record. The governing body may allow areas covered by water or wetlands, to be credited toward meeting these requirements. Expansive lawns which are permanently restricted from development may also be credited toward meeting these requirements by the governing body. The Board of Adjustment shall not grant a variance which modifies the width of the buffer. Streets and easements through the buffer may be allowed by the approving body at the time of site plan or subdivision approval upon the finding that such a crossing is necessary for safe ingress or for utility service to the property. Any crossings should be designed to minimize clear views through the buffer.

Coordination with the MTC Overlay District

Properties located within the MTC Overlay District shall be exempt from these standards but shall conform to the standards of the MTC Overlay Zone.

1 ~~Nonconforming Structures and Uses~~
2 ~~Structures and uses located within the buffer at the time of the adoption of this ordinance [date]~~
3 ~~may remain. Any changes shall be in conformance with the Nonconformities requirements~~
4 ~~found elsewhere in the Zoning Ordinance.~~
5